

SENATE No. 9

To accompany the petition of the Massachusetts State Federation of Labor, by Thomas E. Wilkinson, for legislation to further define the acts relative to peaceful persuasion and injunctions in labor disputes and to make impossible the emasculation and nullification of said acts and for certain other purposes. Labor and Industries.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Forty-Three.

AN ACT TO FURTHER DEFINE THE ACTS RELATIVE TO PEACEFUL PERSUASION AND INJUNCTIONS IN LABOR DISPUTES AND TO MAKE IMPOSSIBLE THE EMASCULATION AND NULLIFICATION OF SAID ACTS AND FOR CERTAIN OTHER PURPOSES.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Section twenty-four of chapter one
2 hundred and forty-nine of the General Laws is hereby
3 amended by striking therefrom the words "lawful
4 trade dispute" and substituting therefor the words:
5 — labor dispute as defined in General Laws, chapter
6 one hundred and fifty A, section two, subsection
7 seven, — so that the whole shall read: — *Section 24.*
8 No person shall be punished criminally, or held liable
9 or answerable in any action at law or suit in equity,
10 for persuading or attempting to persuade, by printing

11 or otherwise, any other person to do anything, or to
12 pursue any line of conduct not unlawful or actionable
13 or in violation of any martial or other legal duty, un-
14 less such persuasion or attempt to persuade is accom-
15 panied by injury or threat of injury to the person,
16 property, business or occupation of the person per-
17 suaded or attempted to be persuaded, or by disorder
18 or other unlawful conduct on the part of the person
19 persuading or attempting to persuade, or is a part of
20 an unlawful or actionable conspiracy, nor for attend-
21 ing, in the course of a labor dispute as defined in
22 General Laws, chapter one hundred and fifty A, sec-
23 tion two, subsection seven, at any place where such
24 person or persons may lawfully be, for the purpose of
25 peacefully obtaining or communicating information
26 or of so persuading or attempting to persuade.

1 SECTION 2. Chapter one hundred and forty-nine
2 of the General Laws is hereby amended by inserting
3 between section twenty-four J thereof and section
4 twenty-five thereof the following new section: —

5 *Section 24K.* No city or town or other political
6 subdivision of the commonwealth shall pass or adopt
7 any, or enforce any existing law, ordinance, by-law,
8 resolution or regulation which shall, nor shall any
9 official thereof, directly or indirectly prohibit, regu-
10 late, restrict or require any permit, license or fee for
11 the picketing or patrolling of any public street or
12 place, or any place where any person or persons may
13 lawfully be, by any person or persons, singly or in
14 numbers, with or without placards, in the course of
15 a labor dispute as defined in General Laws, chapter
16 one hundred and fifty A, section two, subsection
17 seven.

1 SECTION 3. Section twenty C of chapter one hun-
2 dred and forty-nine of the General Laws is hereby
3 amended to add at the end thereof the words: — re-
4 gardless of whether the disputants stand in the proxi-
5 mate relation of employer and employee.

1 SECTION 4. Section two of chapter one hundred
2 and fifty A of the General Laws is hereby amended to
3 add at the end of the first line thereof the words: —
4 or in section twenty-four and section twenty-four K
5 of chapter one hundred and forty-nine, — so that said
6 section shall start with the following words: — When
7 used in this chapter or in section twenty-four and
8 twenty-four K of chapter one hundred and forty-
9 nine —

1 SECTION 5. Subsection one of section nine A of
2 chapter two hundred and fourteen of the General
3 Laws is hereby amended by adding at the end of
4 clause (c) the words: — regardless of whether or not
5 any acts of the defendants are or have been unlawful,
6 — and by adding at the end of clause (e) the
7 words: — of the said property against acts which in-
8 volve violation of the criminal law warranting arrest,
9 — so that the whole of said subsection (1) shall read:
10 — (1) No court shall have jurisdiction to issue a pre-
11 liminary or permanent injunction in any case involv-
12 ing or growing out of a labor dispute, as defined in
13 section twenty C of chapter one hundred and forty-
14 nine, except after hearing the testimony of witnesses
15 in open court (with opportunity for cross-examina-
16 tion) in support of the allegations of a complaint
17 made under oath, and testimony in opposition thereto,
18 if offered, and except after findings of fact by the
19 court, to the effect —

20 (a) That unlawful acts have been threatened and
21 will be committed unless restrained or have been com-
22 mitted and will be continued unless restrained, but
23 no injunction or temporary restraining order shall be
24 issued on account of any threat or unlawful act ex-
25 cepting against the person or persons, association or
26 organization making the threat or committing the
27 unlawful act or actually authorizing or ratifying the
28 same after actual knowledge thereof;

29 (b) That substantial and irreparable injury to the
30 complainant's property will follow;

31 (c) That as to each item of relief granted greater
32 injury will be inflicted upon the complainant by the
33 denial of relief than will be inflicted upon the defend-
34 ants by the granting of relief, regardless of whether
35 or not any acts of the defendants are or have been
36 unlawful;

37 (d) That the complainant has no adequate remedy
38 at law; and

39 (e) That the public officers charged with the duty
40 to protect the complainant's property are unable or
41 unwilling to furnish adequate protection of the said
42 property against acts which involve violation of the
43 criminal law warranting arrest.

1 SECTION 6. If any provision of this act or the
2 application thereof to any person, court, or circum-
3 stances is held unconstitutional or otherwise invalid,
4 the remaining provisions of the act and the applica-
5 tion of such provisions to other persons, courts, or
6 circumstances shall not be affected thereby.

1 SECTION 7. This act shall take effect upon its pas-
2 sage.